

National Labor Relations Board



Weekly Summary of NLRB Cases

Division of Information

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CASES SUMMARIZED
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Operations-Management Memoranda ([OM 04-25](#)): “Test of Certification” Bargaining Order Summary Judgment Cases

([OM 04-26](#)): Administrative Investigations vis-à-vis Hearings in Post-Election Proceedings

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McGuire Plumbing and Heating, Inc. (17-CA-19698-1, -2; 341 NLRB No. 29) Springfield, MO Feb. 12, 2004. The Board adopted the administrative law judge's recommended order that the Respondent pay Robert Vance a/k/a Bobby Gene Vance the sum of \$41,944.17 and Dale Hankins the sum of \$8,221.09 plus interest and minus tax withholdings required by Federal and State laws. On March 6, 2002, the U.S. Court of Appeals for the Eighth Circuit enforced the Board's order finding that the Respondent unlawfully discriminated against Vance and Hankins in violation of Section 8(a)(1) and (3) of the Act. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Battista and Members Liebman and Meisburg participated.)

Hearing at Springfield on Oct. 1, 2002. Adm. Law Judge Thomas M. Patton issued his supplemental decision March 4, 2003.

Reigel Electric and Central Electric Services (Alter Ego and/or Successor) (30-CA-15265; 341 NLRB No. 3) Appleton, WI Feb. 11, 2004. The Board adopted the administrative law judge's finding that by unnecessarily delaying its response to the Electrical Workers Local 577's August 3, 2000 information request concerning the relationship, if any between Reigel Electric and Central Electric Services, and by providing incomplete information, Reigel violated Section 8(a)(5) and (1) of the Act. [\[HTML\]](#) [\[PDF\]](#)

In view of the Respondent's closure, the Board modified the Order to require that the Respondent mail the notice to employees rather than post it at its facility.

(Members Liebman, Schaumber, and Meisburg participated.)

Charge filed by Electrical Workers IBEW Local 577; complaint alleged violation of Section 8(a)(1), (3), and (5). Hearing at Milwaukee, Jan. 29-31, 2001. Adm. Law Judge Irwin H. Socoloff issued his decision Aug. 31, 2001.

U-Haul Co. of Nevada, Inc. (28-RC-6159; 341 NLRB No. 26) Las Vegas and Henderson, NV Feb. 9, 2004. Affirming the hearing officer's recommendations, the Board overruled the Employer's Objections 1, 2, and 4 and certified Machinists Local 845 as the exclusive collective-bargaining representative of the employees in the appropriate unit. The tally of ballots showed 47 for and 25 against, the Union, with 5 challenged ballots, an insufficient number to affect the results of the election. [\[HTML\]](#) [\[PDF\]](#)

Objection 1 alleged that the Union engaged in objectionable conduct under *NLRB v. Savair Mfg. Co.*, 414 U.S. 270 (1973), by making a preelection offer to employees to waive initiation fees. The Board agreed with the hearing officer that the union documents clearly stated that the waiver would apply to all employees, not simply those who signed a union authorization card before the election. It also agreed with the hearing officer, with respect to Objection 2, that the Union's document "guarantee[ing] it is illegal for the company to close or threaten to close the plant" if the Union won the election did not amount to objectionable misrepresentation.

The Employer's Objection 4 alleged that union representatives engaged in objectionable electioneering when union observer Shaun Saunders gave a "thumbs up" and smiles to certain voters and when Union Representative London was observed near the parking lot during the election. The Board found that Saunders' "thumbs up" gesture was unaccompanied by any verbal exchange and could not reasonably be understood to convey any particular meaning. In concluding that London did not engage in any objectionable conduct, the Board agreed with the hearing officer that employees inside the building were unable to see London without straining and the voters could not see London from the polling area.

(Chairman Battista and Members Liebman and Schaumber participated.)

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

U-Haul Co. of California (Machinists District Lodge 190, Local Lodge 1173) Fremont, CA February 6, 2004. 32-CA-20665-1; JD(SF)-13-04, Judge Jay R. Pollack.

Ethan Enterprises, Inc. (Painters District Council #5) Mill Creek, WA January 16, 2004. 19-CA-28877; JD(SF)-07-04, Judge Jay R. Pollack.

Harco Trucking, LLC (an Individual) Sparks, NV January 26, 2004. 32-CA-20621-1; JD(SF)-09-04, Judge Jay R. Pollack.

Wal-Mart Stores, Inc. (Food & Commercial Workers) Las Vegas, NV January 27, 2004. 28-CA-18508, 18644; JD(SF)-08-04, Judge Clifford H. Anderson.

Professional Medical Transport, Inc. (an Individual and EMTs and Paramedics NAGE-SEIU) Tempe, AZ February 6, 2004. 28-CA-18554, 18563; JD(SF)-10-04, Judge Mary Miller Cracraft.

Community Emergency Medical Services, Inc. (EMTs and Paramedics SEIU) Detroit, MI February 10, 2004. 7-CA-45582, et al.; JD-09-04, Judge Arthur J. Amchan.

Parkwood Developmental Center, Inc. (Food & Commercial Workers Local 1996) Valdosta, GA February 10, 2004. 12-CA-22866; JD(ATL)-06-04, Judge Pargen Robertson.

J & R Roofing Co., Inc. (Roofers Local 30) Jessup, MD February 11, 2004. 5-CA-30193; JD-08-04, Judge John T. Clark.

Teamsters Local 377 (Individuals and Humility of Mary Health Partners) Youngstown, OH February 11, 2004. 8-CB-9415-1, et al; JD-03-04, Judge George Alemán.

**LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS
IN REPRESENTATION CASES**

*(In the following cases, the Board considered exceptions
to Reports of Regional Directors or Hearing Officers)*

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Prestige Gunite of Las Vegas, LLC, North Las Vegas, NV, 28-RD-879, Feb. 12, 2004.

*(In the following cases, the Board adopted Reports of
Regional Directors or Hearing Officers in the absence of exceptions)*

DECISION AND CERTIFICATION OF REPRESENTATIVE

*New York City Saks, LLC d/b/a Saks Fifth Avenue, New York, NY, 2-RD-1496, Feb. 11, 2004.
Eagle Industries, Inc., Skagit Harley-Davidson, Burlington, WA, 19-RC-14443, Feb. 11, 2004.
Comcast of Illinois, XIII, L.T., Schaumburg, IL, 13-RD-2436, Feb. 11, 2004.
Child, Family and Community Services, Inc., Fremont, CA, 32-RC-5203, Feb. 11, 2004.*

DECISION AND CERTIFICATION OF RESULTS

*Providence Health System-Southern California d/b/a Providence Holy Cross Medical Center,
Los Angeles, CA, 31-RC-8295, Feb. 12, 2004.*

DECISION AND DIRECTION OF SECOND ELECTION

*Pactiv, Malvern, AR, 26-RD-1087, Feb. 11, 2004.
Mulberry Square Eldercare and Rehabilitation Center, LLC, Punxsutawney, PA 6-RC-12242,
Feb. 11, 2004.*

*(In the following cases, the Board denied requests for review
of Decisions and Directions of Elections (D&DE) and
Decisions and Orders (D&O) of Regional Directors)*

*Tom's Refrigeration, Inc., Toledo, OH, 8-RC-16585, Feb. 11, 2004.
Huck International, Inc., Woodway, TX, 16-RC-10545, Feb. 11, 2004.*

***(In the following cases, the Board granted requests for review
of Decisions and Directions of Elections (D&DE) and
Decisions and Orders (D&O) of Regional Directors)***

Metaldyne Co., LLC, Minerva, OH, 8-RD-1966, Feb. 11, 2004.

H.S. Care, L.L.C., d/b/a Oakwood Care Center and N&W Agency, Inc., Brooklyn, NY,
9-RC-10101, Feb. 11, 2004.

Pennsylvania Academy of the Fine Arts, Philadelphia, PA, 4-RC-20720, Feb. 11, 2004.

Sprint/Central Telephone Co. of Texas, Overland Park, KS, 16-UC-200, Feb. 12, 2004.
